

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOE ANTHONY ALANIZ

Plaintiff,

v.

**HARRIS COUNTY, TEXAS,
SHERIFF ED GONZALEZ, DEPUTY
VANESSA ESQUEDA, SGT. ANA
ORTIZ, AND DEPUTY MARK
CANNON**

Defendant.

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CIVIL ACTION NO. 4:22-CV-01991

**DEFENDANTS HARRIS COUNTY AND MARK CANNON'S RESPONSE
TO PLAINTIFF'S MOTION IN LIMINE**

Defendants Harris County and Mark Cannon file the following response to Plaintiff Alaniz's motion in limine Docket Entry 111 (DE). Defendants note Plaintiff did not certify a conference occurred before filing his motion in limine.

1. Any reference to or mention of any information in any document that has not yet been admitted into evidence or any statements contained in any such document.

AGREED: x GRANTED: DENIED:

2. Asking any questions of Plaintiff's witnesses that would require Plaintiff's attorneys or the witness to invoke the attorney/client privilege in front of the jury. In addition, Plaintiff requests the Court to order opposing counsel to first approach the bench if there is a probability that the question to the witness would require the attorney or the witness to invoke the attorney/client privilege, so that such questioning may be ruled upon without the jury being improperly prejudiced and biased against a particular party for the attorneys'

conduct in objecting to said line of questioning on the basis of the attorney/client privilege.

AGREED: ___x___ GRANTED: _____ DENIED: _____

3. Any reference to or suggestion that Plaintiff has failed to call any witness equally available, through prior depositions or otherwise, to any party in this action.

AGREED: ___x___ GRANTED: _____ DENIED: _____

4. Any reference to or suggestion that there will probably be testimony of certain facts by witnesses who are not later called to testify at trial.

AGREED: _____ GRANTED: _____ DENIED: _____ OPPOSED X

RESPONSE: Defendants will have no ability to predict who will be called by Plaintiff or if the Plaintiff decides at close of his case not to call a witness who is on his witness list; or if Plaintiff calls a witness in rebuttal. As it is written it is opposed.

5. Any reference to, defendant, Cannon's current financial condition or net worth

AGREED: _____ GRANTED: _____ DENIED: _____ OPPOSED x

RESPONSE: Defendant Cannon will submit a jury charge and question on punitive damages, which can only be received from Defendant Cannon, not Harris County. Plaintiff can agree not to seek punitive damages; if so, this limine will not be opposed. As written Defendant cannot agree.

6. Any document not previously produced in discovery or identified in the parties' Joint Pretrial Order, including Exhibits. See, Tex. R. Civ. P. 194.1.

Response: The Texas Rules of Civil Procedure do not apply in this federal case.

AGREED: _____ GRANTED: _____ DENIED: _____ OPPOSED X

7. Any testimony or argument that contradicts Defendant admissions.

Response: There is more than one defendant, so this limine is unclear. Also it is unknown what questions Plaintiff's counsel will ask at trial as those questions may vary in degree from admissions.

AGREED: _____ GRANTED: _____ DENIED: _____ OPPOSED X

8. Statements of any persons not called upon to testify in open court.

RESPONSE: To the extent someone is unable to testify at trial and has been deposed, that deposition testimony and/or video tape testimony may be offered under the rules. Also, numerous persons are speaking on the body worn cameras and Mr. Alaniz's cell phone video. As written, this limine is OPPOSED.

AGREED: _____ GRANTED: _____ DENIED: _____ OPPOSED X.

9. Expert opinions from experts or laypersons not designated.

AGREED: _____x_____ GRANTED: _____ DENIED: _____

10. The Plaintiffs respectfully request an order excluding any evidence proffered by the Defendants at trial which contradicts the Defendants' prior, sworn deposition testimony or responses to the Plaintiffs' Interrogatories.

AGREED: _____ GRANTED: _____ DENIED: _____ OPPOSED X

RESPONSE: Defendants cannot predict what questions Plaintiff will ask and if those questions will vary from questions asked in discovery. As it is written, it is opposed.

11. Any alleged crime committed by Plaintiff as such information is inherently more prejudicial than probative and is irrelevant to the issues in this case. Said evidence bears no probative value under Rule 403 of the Federal Rules of

Evidence and its probative value, if any, is substantially outweighed by a danger of unfair prejudice, confusion of the issues, misleading the jury, undue delay, and wasting of valuable court time.

AGREED _____ Granted _____ Denied _____ OPPOSED: X

Response: Under the rules of evidence crimes that involve the veracity of the Plaintiff may be offered into evidence. To date, Defendants are not aware of any such crimes committed by Mr. Alaniz. But if one is committed between now and the time of trial, it may be offered.

12. Any alleged physical injuries acquired from any third party as such information is speculative the defendant has no evidence to support the claims, in addition, inherently more prejudicial than probative and is irrelevant to the issues in this case. Said evidence bears no probative value under Rule 403 of the Federal Rules of Evidence and its probative value, if any, is substantially outweighed by a danger of unfair prejudice, confusion of the issues, misleading the jury, undue delay, and wasting of valuable court time.

AGREED: _____ Granted _____ Denied _____ OPPOSED x

Response: Plaintiff has a prior, documented injury to the same shoulder caused by a bike accident that is evidenced in his medical records. It was reference in the summary judgment. It will be offered.

13. Any alleged facts and testimony by the Defendant's experts not supported by evidence, based on hearsay, or pure speculation since such information is speculative, the defendant has no evidence to support the claims, in addition, inherently more prejudicial than probative and is irrelevant to the issues in this case. Said evidence bears no probative value under Rule 403 of the Federal Rules of Evidence and its probative value, if any, is substantially outweighed by a danger of unfair prejudice, confusion of the issues, misleading the jury, undue delay, and wasting of valuable court time.

AGREED _____ GRANTED _____ DENIED _____ OPPOSED X

Response: Plaintiff has the expert report and has not objected to it. It is unknown what if anything Plaintiff is opposed to. As written, it is opposed.

Date: April 7, 2025.

Respectfully submitted,

CHRISTIAN D. MENEFEE

HARRIS COUNTY ATTORNEY

JONATHAN G. C. FOMBONNE

DEPUTY COUNTY ATTORNEY AND FIRST
ASSISTANT

NATALIE G. DELUCA

MANAGING COUNSEL,
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**ATTORNEY FOR DEFENDANT
MARK CANNON**

CERTIFICATE OF SERVICE

I certify that the above and foregoing Response to Plaintiff's Motion in Limine was electronically filed with the Clerk of the court using the CM/ECF system will send notification for those of record.

/s/James C. Butt
James C. Butt